

OFFICIAL COPY

Fresno, California

June 19, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Henry Perea	Council President

Andy Souza, City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Jim McAllister of Harmony Free Will Baptist Church gave the invocation, and President Perea led the Pledge of Allegiance.

(ADD-ON) PROCLAMATION OF “NANCY OSBORNE DAY” - COUNCILMEMBER DAGES

Read and presented.

RECOGNITION OF FAX EMPLOYEE GERALD SHEPHERD FOR HIS PARTICIPATION IN THE 2007 APTA INTERNATIONAL
ROADEO ON MAY 6, 2007, IN NASHVILLE, TENNESSEE

Recognized.

PROCLAMATION OF “ESA/LOVE INC DAY”

Read and presented.

PROCLAMATION OF “CATHERINE MORISON REHART DAY” - COUNCILMEMBER CALHOUN

Read and presented.

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APPROVE MINUTES OF JUNE 7 AND 12, 2007

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of June 7 and 12, 2007, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

ACTING PRESIDENT XIONG: Report on attendance at the API Conference for Leadership in San Francisco to recognize lifetime achievement for Congressman Honda.

COUNCILMEMBER STERLING: (1) Request for status report on the California Avenue Tier 1 Measure “C” project; (2) belated “Happy Father’s Day” wishes extended to all fathers; (3) reports on the successful air show at the Chandler Downtown Airport and the Christian Music Awards at the Save Mart Center; and (4) announcement of former Councilmember Boyajian’s marriage this past weekend.

paint out event with Lifebridge Church members and commendation to all volunteers.

COUNCILMEMBER DUNCAN: (1) Commendation to staff for removing bootleg signs and request staff contact Caltrans to obtain permission to remove bootleg/illegal signs on freeway on and off-ramps.

PRESIDENT PEREA: (1) Thank you to Chief Dyer for information received on the Regional Training Center and request for additional, clear information on the next steps; and (2) invitational letter received from Supervisor Chair Waterston on the Peter Hutchison speaker event next Tuesday at Cornerstone and request members interested in attending a luncheon meeting to contact Acting President Xiong .

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APPROVE AGENDA:

(1-A) LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

1. RESOLUTION - INITIATE PROCEEDINGS AND DECLARE INTENTION TO LEVY THE ANNUAL ASSESSMENT
2. RESOLUTION - TO LEVY AND COLLECT THE ANNUAL ASSESSMENT

City Clerk Klisch advised of corrections to the two resolution titles. So noted and corrected.

(10:15 A.M.) RESOLUTION - CERTIFYING EIR NO. 10137 AND AWARD A CONTRACT SUBSEQUENT TO THE RFP FOR THE REMOVAL, PROCESSING AND BENEFICIAL REUSE OR DISPOSAL OF BIOSOLIDS TO LIBERTY COMPOSTING, INC., A SUBSIDIARY OF MCCARTHY FAMILY FARMS, INC.

Laid over one week to June 26, 2007, at 9:50 a.m.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the AGENDA hereby approved, as amended, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

Harley Turner spoke in opposition to Item **1-H** stating the review of the municipal water district plan of service was LAFCO's job.

Councilmember Sterling registered "NO" votes on Items **1-H** and **1-K**.

Acting President Xiong removed Item **1-A** from the Consent Calendar for separate discussion/action.

(1-B) CONSIDERATION OF THE PROPOSED MCKINLEY-BRAWLEY NO. 4 REORGANIZATION

1. AFFIRMING CITY COUNCIL ACTION OF APRIL 18, 2006, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-05-57/T-5587 DATED 12/28/05, RESULTING IN A MITIGATED NEGATIVE DECLARATION

2. RESOLUTION NO. 2007-208 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED MCKINLEY-BARSTOW NO. 4 REORGANIZATION

(1-C) AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO NEGOTIATE AND ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR (1) PAYMENT OF THE FMFCD IN THE AMOUNT OF \$213,230 TO INSTALL A CANAL INTERTIE CONNECTION AND MASTER PLAN STORM DRAIN FACILITIES FOR THE PURPOSE OF GROUNDWATER RECHARGE AT DISTRICT STORM DRAIN BASIN BM; (2) RE-DESIGNATION OF BASIN BM FROM RECREATION TO GROUNDWATER RECHARGE; AND (3) REIMBURSEMENT OF CITY BY DISTRICT FOR INSTALLATION OF MASTER PLAN STORM DRAIN FACILITIES

(1-D) AWARD A CONTRACT TO A-C ELECTRIC COMPANY IN THE AMOUNT OF \$233,740 FOR THE INSTALLATION OF NEW TRAFFIC SIGNAL FACILITIES AT THE INTERSECTION OF PALM AND WELDON AVENUES, AND AUTHORIZE THE

PUBLIC WORKS DIRECTOR OR HIS ASSIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

(1-E) APPROVE ACQUISITION OF EXCESS PROPERTY OWNED BY THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO CONSTRUCT A PARK NEAR CHESTNUT AND FREEWAY 180, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE DIRECTORS DEED FROM THE PROPERTY AND EXECUTE THE OFFER OF PURCHASE AGREEMENT, TO DEPOSIT \$40,000.00, TO EXECUTE THE RESOLUTION OF USE AND ACCEPTANCE AND COMPLETE THE ACQUISITION THROUGH ESCROW

(1-F) AWARD A CONTRACT IN THE AMOUNT OF \$210,090 TO A-C ELECTRIC COMPANY FOR THE INSTALLATION OF NEW TRAFFIC SIGNAL FACILITIES AT THE T-INTERSECTION OF MCKINLEY AND ECHO AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

(1-G) AUTHORIZE THE LEASE PURCHASE OF A FIRE TRUCK FOR FIRE STATION 13 AND TWO BRUSH RIGS THROUGH THE CITY'S MASTER LEASE AGREEMENT

1. RESOLUTION NO. 2007-210 - 70TH AMENDMENT TO AAR 2006-253 APPROPRIATING \$500,000 TO THE FIRE DEPARTMENT SAFETY FACILITIES CAPITAL FUND

(1-I) APPROVE A SIDE LETTER OF AGREEMENT WITH AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU), UNIT 06, THAT PROVIDES BIDDING AND COMPENSATION PROVISIONS FOR BUS OPERATORS PROVIDING SERVICE ON FOUR HOLIDAYS (JULY 4TH, THANKSGIVING, CHRISTMAS DAY AND NEW YEAR'S DAY)

(1-J) RESOLUTION NO. 2007-211 - AUTHORIZING AMENDMENT OF STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO PROVIDE THE FIVE PERCENT OPEN SPACE REQUIRED BY THE ROOSEVELT COMMUNITY PLAN FOR TRACT NO. 4957

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(1-H) AUTHORIZE PAYMENT OF \$7,500 TO LAFCO FOR REVIEW OF THE PROPOSED MUNICIPAL WATER DISTRICT (MWD) PLAN OF SERVICE

(1-K) BILL NO. B-50 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE TOW CAR ORDINANCE AND AMENDMENT OF OUTDATED PROVISIONS

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** Items **1-H** and **1-K** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
Noes	:	Sterling
Absent	:	None

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CONTESTED CONSENT CALENDAR:

(1-A) LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT (LLMD) NO. 1

1. RESOLUTION - INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR LLMD NO 1
2. RESOLUTION - DECLARING INTENT TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR LLMD NO. 1

the City has been contributing to maintain a level of service, and how long the election process to raise fees would take.

On motion of Acting President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, Item **1-A** tabled one week to allow staff to provide the requested information, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(2 - 0) Councilmember Calhoun stated it was his recollection that staff was directed to move the election process forward to give residents a say, with City Manager Souza stating staff would research and respond next week.

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(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED COMMUNICATIONS:

Paula Savino spoke to the need for a state of the art animal shelter.

Harley Turner spoke to the Code of Ethics and misconduct at City Hall.

Donald Sims, developer, expressed concerns relative to his dealings and discussions with Redevelopment Agency staff on his project in southwest Fresno and advised of his project's history. Councilmember Sterling stated this was an excellent project and as Agency Chair requested the City Manager, along with the RDA, to look into the issue and Mr. Sims' concerns stating it was more than she could handle as Agency Chair.

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(9:05 A.M.) GENERAL ADMINISTRATION:

(“A”) REPORT ON FRESNO MUNICIPAL CODE (FMC) STREAMLINING PROJECT

1. BILL NO. B-51 - DIRECTING REPUBLICATION OF THE FRESNO MUNICIPAL CODE TO REFORMAT THE CODE FOR PURPOSES OF CODE STREAMLINING

2. BILL NO. B-52 - REPEALING AND ADDING CHAPTERS 1 AND 2 TO THE FMC RELATING TO CODE STREAMLINING

City Attorney Sanchez and former City Attorney Hilda Cantu-Montoy reviewed the issue, all as contained in the staff report as submitted, and recommended the ordinance bills be introduced.

Councilmember Duncan spoke briefly to the issue and expressed his support and made a motion to approve staff's recommendation. Councilmember Calhoun also spoke in support and commended Councilmember Duncan for his leadership and staff for all their work, and upon his question City Manager Souza stated he had adequate input and was comfortable with the process.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill Nos. B-51 and B-52 introduced before the City Council and laid over, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(“B”) PRESENTATION BY ASTONE REGARDING CITY PUBLICITY

The presentation was given by City Public Affairs Officer Jorn who spoke to the Image Action Plan and the public affairs show entitled “City Insider”, Mark Astone, Principal and CEO of Astone Agency, who introduced the Astone Team and spoke to what the firm has been doing on behalf of the City, and Elena Christiano, Astone Account Leader, who gave a PowerPoint presentation which included The Team and Oversight Committee, Planning Phase, Research Phase, Findings, News Stories, Media Impressions, Media Training,

Projects in the Works, and Pre-Packaged Stories.

Lengthy discussion ensued with members of the Astone Team and Mr. Astone responding to numerous questions and/or comments of Councilmembers Duncan, Sterling, Dages, Westerlund, Xiong and President Perea relative to Brotherhood of the Badge, program for Hmong farmers affected by the freeze, what role Astone played in getting the Los Angeles Times to publish stories, number of topics turned into new stories, disappointment with lack of stories on the MRZ, economic development, the City's booth at the Las Vegas ISCS Conference, and the City's homeless efforts, what needs to be done to get stories published, how to better integrate with Astone to see more positives **(3 - 0)**, the city's perception not changing overnight and the difficult job Astone has, the good job Astone is doing, the initial study conducted on how perceptions are generated, the role Astone plays in negative stories, and this being a big undertaking for Astone and need to keep the publicity campaign going. There was no further discussion.

(“C”) BILL NO. B-53 - AMENDING THE FRESNO MUNICIPAL CODE RESTRICTING CAMPING AND STORAGE OF PERSONAL PROPERTY

Assistant City Manager Rudd reviewed the issue, all as contained in the staff report as submitted, and clarified if adopted this ordinance would pertain to smaller encampments and would not affect those living near the Monterey Street bridge.

Speaking in opposition to the proposed ordinance were: Mike Rhodes; Willie Mack; Alfonso Williams; Cynthia Greene; and Jose Luis Barraza, Center for Independent Living.

Mr. Rudd responded at length to questions and comments of Councilmember Sterling relative to whether staff was aware other cities have had their ordinances challenged, if staff looked at other options, this ordinance being premature, where the City was with the County on this issue, if the task force looked at other services available or agencies with available bed space, the shopping cart ordinance and feeling that people are being criminalized, how this ordinance will work, if any long-term plan was on the table, and if the City has reached out to other organizations who receive public funds. Councilmember Sterling reiterated this was premature and human beings were being affected and made a motion to table the matter until additional talks occur with all involved and a better relationship is established with those feeling challenged. Upon call the motion died for lack of a second.

Councilmember Duncan stated he respectfully disagreed with Councilmember Sterling and he felt this ordinance needed to move forward, stated there was a distinction between the homeless and street people and at issue was trying to get help to people to become productive citizens, **(4 - 0)** questioned what the status was in scheduling a meeting with Fresno County on the homeless issue (with City Manager Souza and President Perea responding), and stated this was a community problem and there was a consequence to people not wanting to become productive citizens and made a motion to introduce the ordinance as recommended, which motion was seconded by Councilmember Calhoun.

Lengthy discussion continued with Mr. Rudd and City Attorney Sanchez responding to questions and/or comments of Acting President Xiong, President Perea, Councilmember Sterling and Councilmember Westerlund relative to this ordinance being a temporary fix and not addressing the larger issue, need to focus efforts on affordable housing, how fines can be issued to those with no ability to pay, comments on the need to address the larger picture and frustration with the hard time scheduling a meeting with Fresno County and importance of having the County and other non-profits at the table, the issue of concentrated poverty not going away, there being facilities receiving public funds with the ability to address the issue and not addressing it, concern with the County not coming to the table, how the City got to this point, if there was currently a no-camping ordinance, if State law was the only enforcement tool, trespassers on FMFCD property and if this ordinance would have jurisdiction over other agencies' properties, enforcement concerns, and this ordinance applying to city-owned property only and citations amounting to infractions with no jail time.

Mr. Souza concurred this was an issue went beyond code provisions and relative to the disappointments on the meeting with Fresno County added he did not want the impression left that nothing was happening on the bigger picture as that was not the case and explained.

Mr. Rudd and Mr. Sanchez responded to questions and comments of Acting President Xiong relative whether there were currently a lot of campers on city property and if there was any history to this, how it is determined if someone has a home, concern that a specific group will be targeted, and need to spend efforts on the larger issue.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-53 introduced before the City Council and laid over, by the following vote:

Ayes : Calhoun, Dages, Duncan, Westerlund, Perea
Noes : Sterling, Xiong
Absent : None

(9:30 A.M.) CITY COUNCIL:

(“A”) DISCUSSION AND DIRECTION REGARDING A PROCESS FOR GRANTING THE NAMING RIGHTS OF CITY OWNED COMMUNITY FACILITIES FOR THE PURPOSE OF SECURING FACILITY REVENUE - COUNCILMEMBER CALHOUN

Briefly reviewed by Councilmember Calhoun who noted there are a number of unnamed city facilities, such as the exhibit hall, which get a lot of use and is paid for by the taxpayer, and stated a proper maintenance level was needed to keep buildings attractive and he wanted staff to research existing buildings, and policies that may be established as additional buildings come on-line, and return with an inventory of buildings that qualify for naming in such a way that a company/organization/individual pays for naming rights resulting in a revenue stream.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, staff directed to research existing buildings, and policies that may be established as additional buildings come on-line, and return with recommendations and a process on naming city-owned buildings for a price, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(“B”) BILL NO. B-54 - AMENDING THE FRESNO MUNICIPAL CODE ELIMINATING WAGER LIMITS FOR TEXAS HOLD-EM - COUNCILMEMBER DAGES

Briefly reviewed by Councilmember Dages who clarified this applied only to the game of Texas Hole-Em and not any other games at Club One, and stated he wanted to make sure Club One stays competitive with Indian gaming casinos and that revenues stay here in Fresno, and made a motion to introduce the ordinance.

Robert Cherry, Human Resource Manager of Club One, spoke in support of the ordinance and further to the issue.

City Manager Souza stated in the past the Mayor has shared his concerns about the amount of gambling that takes place and stated staff would be taking a hard look at this and speak to the issue when it comes back. Upon question of President Perea Mr. Souza stated the police department’s position would also be included. President Perea stated he would support introduction and he looked forward to seeing the police department’s position.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-54 introduced before the before the City Council and laid over, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(“C”) RESOLUTION NO. 2007-212 - IN SUPPORT OF HEALTH INSURANCE FOR ALL CALIFORNIANS - PRESIDENT PEREA

President Perea spoke to the issue of health care and acknowledged cities typically do not take positions on State issues but he felt Fresno needed to make its’ position known and weigh-in on the debate as this was one of the most important issues the State would be addressing.

Speaking in support of the resolution were: Randy Ghan, Executive Secretary/Treasurer of the Fresno, Madera, Tulare, Kings Central Labor Council; Alfred Romero; Howard Watkins, Chair of the Central Valley Progressive Political Action Committee; Jacky Parks, Fresno Police Officers Association (FPOA) **(5 - 0)**; Al Smith, President & CEO of the Greater Fresno Area Chamber of Commerce, who submitted a written letter into the record; and Jose Luis Barraza, Center for Independent Living.

Councilmember Duncan urged Council to reject the resolution stating it tied the City Council to an organization known as “It’s Our Health Care” which was an organization of special interests that promote the single payer plan and elaborated, and provided Council with a written alternative entitled “The California Common Sense Healthcare Revolution”. Councilmember Calhoun expressed his support stating this resolution was appropriate, a good step, and showed leadership and further elaborated. A motion and second was made to adopt the resolution. President Perea concurred with Councilmember Calhoun and commented further stating this was a global issue, the resolution was general enough to provide for flexibility, and this was a step in the right direction, and added Council should look into a prescription drug plan down the road and explained.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2007-212 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Sterling, Xiong, Perea
Noes	:	Duncan, Westerlund
Absent	:	None

(“D”) RESOLUTION NO. 2007-213 - SUPPORTING THE 2007-08 STATE BUDGET FUNDING FOR THE CALIFORNIA HIGH SPEED RAIL AUTHORITY SO IT MAY CONTINUE ITS PRELIMINARY ENGINEERING AND OTHER ADVANCE WORK IN PREPARATION FOR CONSTRUCTION OF A HGH-SPEED RAIL SYSTEM IN CALIFORNIA - PRESIDENT PEREA

President Perea spoke to the movement to create high-speed rail and stated if the Governor and State legislature continue to move forward with the environmental work there was a unique opportunity to move forward on high speed rail.

Erik Vonberg, representing the High Speed Rail Authority, advised he was available to answer any questions.

Councilmembers Calhoun and Dages spoke to the issue and expressed their support, a motion and second was made to adopt the resolution, and brief discussion ensued.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2007-213 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(10:45 A.M.) WORKSHOP ON COMMUNITY CHOICE AGGREGATION PROGRAM

- 1. PRESENTATION BY THE KINGS RIVER CONSERVATION DISTRICT (KRCD)**
- 2. PRESENTATION BY PACIFIC GAS & ELECTRIC (PG&E)**

Public Utilities Director Ramirez gave a brief introduction of the issue.

- 1. PRESENTATION BY THE KINGS RIVER CONSERVATION DISTRICT (KRCD)**

Mr. Haglan, KRCD General Manager David Orth, Patrick Maloy of Navigant Consulting, and Citigroup Managing Director Alex Burnett gave a PowerPoint presentation entitled “Community Choice - Controlling Our Energy Future” which included the San Joaquin Valley Power Authority, why Community Choice, vision, background, Program Agreement #1, Program Agreement Triggers, Program Goals, Key Additional Components, Program Termination, PG&E’s Rate History, Citigroup’s commitment, on-going activities/next steps,

and Our Community: Status Quo/Opportunity.

LUNCH RECESS - 12:32 P.M. - 2:00 P.M.

Workshop proceedings continued.

2. PRESENTATION BY PACIFIC GAS & ELECTRIC (PG&E)

PG&E representative Shannon (last name inaudible), John Nelson and Todd Strauss gave a PowerPoint presentation which included PG&E Supports Customer Choice **(6 - 0)**, CCA and Utility Rates, PG&E rates misrepresented, what is being learned about SJVPA/KRCD/Citigroup rates, CCA exit fees, risks associated with the CCA proposal, and recommendations.

Ed (last name inaudible), member of IBEW 1245, spoke to the issue.

Extensive discussion ensued with KRCD representatives, City Attorney Sanchez, City Manager Souza, and PG&E representatives responding to various questions and comments **(7 - 0)**.

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-06-56 AND ENVIRONMENTAL FINDINGS FILED BY CENCAL HOLDINGS, LLC, PROPERTY LOCATED ON THE SOUTH SIDE OF W. WHITESBRIDGE BETWEEN S. BRAWLEY AND S. VALENTINE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-06-56/T-5754, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-55 - ORDINANCE NO. 2007-51 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-1/UGM

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Applicant representative Joe Guagliardo, 923 Van Ness, stated he supported staff's recommendation.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-55 adopted as Ordinance No. 2007-51, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

The City Council recessed at 3:26 p.m. and convened in joint session with the Redevelopment Agency.

(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JUNE 12, 2007

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the Agency minutes of June 12, 2007, approved as submitted.

(“A”) CONSIDER APPROVAL OF A REIMBURSEMENT RESOLUTION FOR IMPROVEMENTS TO THE CULTURAL ARTS

DISTRICT INFRASTRUCTURE AND FUNDING FOR THE FRESNO METROPOLITAN MUSEUM (FMM) (PROVIDE A SECURED LOAN TO THE FRESNO METROPOLITAN MUSEUM TO COMPLETE MUSEUM RENOVATIONS)

1. RESOLUTION - DECLARING THE OFFICIAL INTENT OF THE CITY OF FRESNO TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS

City Manager Souza gave an overview of the issue, all as contained in the staff report as submitted.

Speaking further to the issue and/or in support of the resolution were: Jon Carroll, Fresno Metropolitan Museum (FMM) Marketing Director; Paul Gibson; Cynthia Cooper, Fresno Coalition for Arts, Science and History (FCASH); Betsy Reeves, Chair of the FMM (8 - 0); and Nancy Marquez.

Chair Sterling stated she was disappointed to see this matter on the agenda with such little information and expressed her strong concern that she as Agency Chair, and also the Vice Chair, were not included in initial meetings or briefings.

Extensive discussion ensued. Councilmember Westerlund spoke to the issue and stated he was reluctant to approve the resolution as structured, spoke to the City's bonding capacity and the number of projects the City is working on, spoke to his discussion with Dennis Woods of United Security Bank about making the loan and the California Municipal Finance Authority being a possible alternative and explained, and presented questions relative to what the City's and The Met's positions were on the City guaranteeing a loan, and why conventional lenders were not willing to go forward, with Mr. Souza and Paul Gottlieb, President Elect of the Board, responding. Councilmember Duncan stated there was no question about the need to keep The Met going but stated he was not ready to support the resolution due to the lack of information, the lack of detail, and the problems being unknown; stated there was a real opportunity with Councilmember Westerlund's alternative and made a motion to continue this matter one week so The Met could provide detailed and accurate information and staff could report back on Councilmember Westerlund's alternative; and added his preference was for the City to be in a secondary position -- not prime. The motion was seconded by Councilmember Calhoun who stated \$15 million was not chump change, expressed his concern with hearing about this so late adding he felt like a gun was at his head, stated he was also concerned with not having all the facts stating it was incumbent on The Met to provide facts and for Council to look at all options, and stated there would also be a precedent issue here and explained. Mr. Souza and Executive Director Murphey responded to questions and comments of Councilmember Dages relative to the discrepancy in the loan amounts listed in the staff report and resolution, why the Redevelopment Agency was involved in the bonding, if The Met building was on the City's tax roll, amount of tax increment received, if the bond would be structured to pay off the entire debt, and willingness to commit and support for the delay to have all questions answered. President Perea stated there was no need to delay as no action was being taken on the bond and no money would be spent before all questions are answered, acknowledged this was fast but stated that spoke to the urgency of the situation, stated there was an opportunity to move forward and also make infrastructure improvements in the Arts District and added he saw this as furthering past investments, and stated he supported moving forward on a dual path (the resolution and looking into Councilmember Westerlund's alternative) as recommended by Mr. Souza. Councilmember Westerlund stated there would be no loss with a 7 day delay and requested Councilmember Duncan add to his motion direction to staff to continue to work with The Met on all funding options, with Councilmember Duncan accepting the amendment. Mr. Carroll and Mr. Gottlieb responded to questions of Councilmember Dages and Chair Sterling relative to whether The Met had any expenditures coming up they had to meet, (9 - 0) and who initiated the initial meeting with the City and who attended that meeting, Upon question of Chair Sterling, Councilmember Duncan stated he would not change his motion to direct staff to return on July 17th with both short and long-term financing plans stating his concern was with getting accurate numbers and he was comfortable with his motion.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the matter continued one week to allow the Metropolitan Museum to provide more detailed and accurate information on their loan request and staff to report back on Councilmember Westerlund's alternative funding option, and staff directed to continue to work with The Met on all funding options, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Sterling
Noes	:	Perea
Absent	:	None

Chair Sterling requested this not happen again and that she be given consideration of being a part of the process as Agency Chair and representative of the district, and to also include the proper departments when requests are made.

The joint bodies adjourned their meeting at 4:37 p.m. and the City Council reconvened in regular session.

RECESS - 4:39 P.M. - 4:49 P.M.

(2:00 P.M. #2) CONTINUED CONSIDERATION AND ADOPTION OF FISCAL YEAR 2008 BUDGET MOTIONS

President Perea clarified public testimony was closed last week and called for any additional motions or corrections.

MOTION #16 - Councilmember Duncan stated his motion was to eliminate the position of Independent Police Auditor from the PAR and the Salary Resolution. So noted.

MOTION #20 - Councilmember Duncan clarified he was asking funds be put in contingency until a community strategy for the homeless is created and the subject funds were land acquisition CDBG Section 108 in the amount of \$2 million and HOME funds in the amount of \$1 million. So noted.

MOTION #13 - PLACE \$120,000 FOR ASTONE MARKETING PROGRAM INTO CONTINGENCY UNTIL A PRESENTATION ON THE COMMUNITY OUTREACH PROGRAM HAS BEEN MADE. (WITHDRAWN)

Councilmember Duncan withdrew Motion #13.

Councilmember Duncan made a new motion to defund the Astone Marketing Program. Upon call the motion died for lack of a second.

Councilmember Duncan stated no progress was being made on the Bankside Trail Project and explained and he felt a good use of those funds would be to fence canals near schools citing the recent tragic drowning of an elementary school student.

NEW MOTION - DUNCAN/DAGES - REALLOCATE \$500,000 FROM THE BANKSIDE TRAIL PROJECT TO FENCE OFF CANALS THAT ARE PATHWAYS TO SCHOOLS.

Councilmember Sterling advised seventy-five video policing cameras were purchased last year and \$800,000 was being requested for the program this year and made a motion to de-fund the Video Policing Program by \$400,000. Upon call the motion died for lack of a second.

NEW MOTION - STERLING/DAGES - FUND \$350,000 FOR A GANG SUPPRESSION/INTELLIGENCE UNIT TO PRIMARILY FOCUS ON SOUTHEAST AND SOUTHWEST GANGS (SUBSEQUENTLY CHANGED TO CITY-WIDE)

NEW MOTION - STERLING/DUNCAN - PROVIDE \$50,000 FOR PRO-ACTIVE COMMUNITY POLICING ACTIVITIES OF UNIFORMED STAFF INCLUDING BUT NOT LIMITED TO SUPPORT BLOCK PARTIES AND NEIGHBORHOOD WATCH ACTIVITIES, ESPECIALLY IN THE SOUTHWEST, SOUTHEAST AND CENTRAL POLICING DISTRICTS

Councilmember Sterling made a motion to reduce the Sports Council funding by \$50,000 to \$150,000. Upon call the motion died for lack of a second.

NEW MOTION - STERLING/XIONG - ADD \$50,000 TO THE MAYOR'S JOB INITIATIVE.

NEW MOTION - STERLING/DUNCAN - PROVIDE \$500,000 WITHIN THE PUBLIC WORKS DEPARTMENT BUDGET TO PROVIDE INFRASTRUCTURE IMPROVEMENTS FOR REPAVING/SLURRY SEAL IN INDUSTRIAL AREAS SOUTH OF FREEWAY 41, EAST OF 99 AND SOUTH OF CHURCH AVENUE

CORRECTED MOTION #8 - Councilmember Calhoun corrected the amount from \$1.1 million to \$1.058 million.

AMENDED MOTION #9 - Councilmember Calhoun changed the motion to appropriate \$250,000 in FY 2008 and \$150,000 in FY 2009 and to show this project as a 2 year capital project in the budget, which amended motion was later seconded by President Perea, and subsequently amended again.

Councilmember Calhoun displayed renderings depicting a future Eaton Plaza and stated it was time to complete the project and

made the following motion:

NEW MOTION - CALHOUN/STERLING - IDENTIFY \$1.05 MILLION IN UNUSED FY 2008 PARK IMPACT FEES TO BEGIN THE NEXT PHASE OF EATON PLAZA. TO BE COMPLETED IN FY 08 AND RETURN TO COUNCIL WITH A MULTI-YEAR CAPITAL PROJECT TO COMPLETE ALL PHASES OF THE 2002 EATON PLAZA MASTER PLAN ADOPTED BY COUNCIL

NEW MOTION - XIONG/STERLING - ALLOCATE \$50,000 TO COMPLETE TOWER DISTRICT TREE REMOVAL

NEW MOTION - XIONG/CALHOUN - ALLOCATE \$200,000 FOR INSTALLATION OF VIDEO CAMERAS IN POLICE VEHICLES

NEW MOTION - XIONG/CALHOUN - PLACE FUNDING FOR THE ADDITIONAL ECONOMIC DEVELOPMENT DEPARTMENT (EDD) SHEPHERDING POSITION IN CONTINGENCY UNTIL A REPORT ON THE EFFECTIVENESS OF THE PROGRAM/"RESULTS" ARE PRESENTED

At this point, President Perea seconded Amended Motion #9.

ACTION ON FY 2008 BUDGET MOTIONS:

MOTION #1 - INCLUDE AN ADDITIONAL \$237,100 FOR THREE INITIATIVES IN THE CITY ATTORNEY'S OFFICE: (1) REDUCE OUTSIDE COUNSEL RELIANCE - \$50,000, (2) RECRUITMENT & RETENTION - \$163,000; AND (3) OPERATIONS - \$24,100

Councilmember Calhoun stated he was opposed to the \$163,000 portion and requested a separate vote, and stated this was a fairness issue and he felt the City Attorney should be able to find ways to provide additional funds to recruit employees. Councilmember Dages stated it was important to have money to recruit and retain people and added Council had control only over the City Clerk and City Attorney and requested Council's support.

MOTION #1a - INCLUDE AN ADDITIONAL \$74,100 IN THE CITY ATTORNEY BUDGET FOR TWO INITIATIVES: (1) REDUCE OUTSIDE COUNSEL - \$50,000; (2) OPERATIONS - \$24,100

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, Motion #1a hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

MOTION #1b - INCLUDE AN ADDITIONAL \$163,000 IN THE CITY ATTORNEY BUDGET FOR RECRUITMENT AND RETENTION

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, Motion #1b hereby approved, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	Calhoun
Absent	:	None

MOTION #2 - DIRECT STAFF TO RETURN WITH 2 FUNDING OPTIONS AND IMPLEMENTATION PLANS FOR COMPLETING WATER INFRASTRUCTURE UPGRADES IN HERNDON TOWN

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #2 hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None

Absent : None

MOTION #3 - CONDITION THAT NO EXPENDITURES TAKE PLACE ON THE \$8.3 MILLION PROJECT (T4-DOWNTOWN WATER TANK AND WELL WC00061) UNTIL THE SCOPE OF THE PROJECT, INCLUDING LOCATION, IS APPROVED BY COUNCIL

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, Motion #3 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
Noes : Sterling
Absent : None

MOTION #4 - STAFF TO RETURN WITH A PROPOSAL ON CONVERTING TO MONTHLY BILLING OPTION FOR UTILITY USAGE

Councilmembers Dages and Westerlund spoke in opposition stating the cost for the mailings would increase tremendously, and Councilmember Sterling added there would be no lifeline available for seniors and the disabled and there would be a rate increase, and thanked staff for providing information to her. Councilmember Duncan stated this was intended to challenge the department to look at different ways of billing stating there were a lot of new options and technologies out there, clarified the reason for the motion was the number of requests/complaints from seniors on the difficulty of paying the large amount every other month, and further clarified the goal was to challenge utilities to look at this differently and come back with a proposal for Council's consideration, with Councilmember Calhoun and President Perea concurring.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Motion #4 hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Xiong, Perea
Noes : Dages, Sterling, Westerlund
Absent : None

MOTION #5 - PLACE \$40,000 INTO CONTINGENCY THAT WILL BE USED OVER THE COURSE OF A YEAR TO RESEARCH AND DEVELOP A PLAN TO MAKE A PROPERTY BASED IMPROVEMENT DISTRICT (PBID)

ADDITION: TO INCLUDE MATCH FUNDS FROM THE INVOLVED DISTRICT

Reviewed by Councilmember Calhoun who stated this would challenge staff to see how a PBID might help move downtown developments forward. City Manager Souza requested an addition to the motion that when money comes out of the contingency that there be matching funds from the district involved, which amendment was accepted. Upon questions of President Perea and Councilmember Westerlund, Mr. Souza stated he would want a dollar-for-dollar match and Councilmember Calhoun stated other areas besides downtown would be included

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, Motion #5 hereby approved, as amended, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

MOTION #6 - MOVE \$100,000 FOR UC MEDICAL CENTER AND TRANSFER TO MARKETING, TRAVEL AND TRADE SHOW CONFERENCES, *with the added caveat that staff provide reports to Council on which trade shows they attend.

Councilmember Duncan noted funding was included for the program last year and there was no proposal and no action and the money showed up again with no proposal or plan, and spoke to the importance and success of trade shows to promote Fresno and generate business. Councilmembers Sterling and Westerlund (**10 - 0**) spoke in opposition stating this showed the City's commitment and

removing the funds would be the wrong thing to do. Councilmember Calhoun spoke in support of the motion stating in meetings with UCSF and Merced administrators the City's support was what was talked about and not money, and added maybe a year from now might be the time to help them with money. Acting President Xiong stated he would support the motion if the money was just removed from the line item adding he was not sure all the money should go to economic development, with Councilmember Duncan stating he would keep his motion as is stating the exposure Fresno will get will be significant and spoke to the success EDD stated they had at trade shows.

City Manager Souza responded to questions of President Perea relative to how many trade shows this amount would get and *President Perea requested Councilmember Duncan attach a caveat to his motion to direct staff to provide reports to Council on which trade shows they attend for accountability purposes, which was accepted. President Perea spoke briefly to the medical center issue stating it has been made clear the center is being pushed for Merced and stated if something evolves in the future and there is an opportunity for a spin off or research institute coming to Fresno it would have his support.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #6 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Xiong, Perea
Noes : Sterling, Westerlund
Absent : None

MOTION #7 - ELIMINATE \$800,000 FROM THE POLICE DEPARTMENT VIDEO POLICING PROGRAM (FAILED)

Councilmember Calhoun stated he has been fairly consistent on this issue, he was not comfortable going down this path, he supported cameras in cars as they had a very useful purpose, and this was a whole new initiative and research did not support the use of cameras. Acting President Xiong clarified he seconded the motion to give him an opportunity to follow up with police staff on the program and system, and spoke to what he learned while serving on a committee stating these cameras do not stop or lessen crime if they are not part of a comprehensive process and elaborated. Councilmember Sterling stated she would oppose the motion as her upcoming motion would use one-half of these funds for intervention. Councilmember Westerlund stated as a former prosecutor video cameras were absolutely important, they could make or break a case and explained, and urged Council to reject it. President Perea also urged a "no" vote stating using technology was the smart thing to do.

A motion of Councilmember Calhoun, seconded by Acting President Xiong, to approve Motion #7 failed, by the following vote:

Ayes : Calhoun
Noes : Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Absent : None

MOTION #8 - PLACE \$1.085 MILLION FOR THE DOWNTOWN WATER FEATURE (RIVER) INTO CONTINGENCY PENDING COUNCIL RECEIPT OF ADDITIONAL INFORMATION ON THE PROJECT

Councilmember Dages recommended moving the funds to Councilmember Calhoun's Eaton Plaza motion, which amendment was accepted by Councilmember Calhoun (and subsequently removed.) Acting President Xiong stated he could not support the motion as this dealt with the EIR for the river and also Forest City's project. Councilmember Duncan concurred and added if this motion is approved it would basically kill the river project and he was not prepared to pull the plus on the water feature this date, whereupon Councilmember Calhoun changed his motion back to the original one.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #8 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

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AMENDED MOTION #9 - USE \$350,000 OF CDBG, QUIMBY OR OTHER AVAILABLE SOURCES FOR PINEDALE COMMUNITY CENTER IMPROVEMENTS - ALLOCATE \$200,000 IN FY 2008 AND \$150,000 IN FY 2009 AND SHOW AS A 2-YEAR CAPITAL PROJECT IN THE BUDGET, FURTHER AMENDED TO APPROPRIATE \$200,000 IN FY 2008 AND DIRECT STAFF TO INCLUDE \$150,000 IN FY 2009's BUDGET.

Councilmember Calhoun and City Attorney Sanchez advised the amended motion was not legal in that funds could not be

appropriated for 2009, with Mr. Sanchez advising staff could be directed to include \$150,000 in FY 2009's budget for the project. Councilmember Calhoun gave a brief overview and requested Council's support, and brief discussion ensued.

On motion of Councilmember Calhou, seconded by Councilmember Duncan, duly carried, RESOLVED, Amended Motion #9 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

MOTION #10 - REALLOCATE \$35,000 IDENTIFIED FOR MANCHESTER SENIOR CENTER TO THE BEVERLY HOUSE

President Perea stated the Senior Center was doing great and was fully funded and instead of the funds sitting idle he wanted them moved to the Beverly House to provide for much-needed improvements and advised staff would coming back with a plan for the center.

On motion of President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #10 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

MOTION #11 - EFFECTIVE JANUARY 1, 2008, ELIMINATE THE EXECUTIVE ANALYST PCN AND MOVE \$30,000 TO THE 8TH COUNCIL BUDGET

Councilmember Calhoun noted sometimes this position is used and sometimes it is not, questioned if this was a good use of monies and what the duties were of the position, stated there was no continuity as the person changed yearly, and stated this was a spotty position and he felt the \$30,000 could be used in a better ways and explained. Councilmember Sterling spoke in opposition to the motion stating the position should be left to the discretion of incoming council presidents, with Acting President Xiong and President Perea concurring.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, Motion #11 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Westerlund
Noes : Sterling, Xiong, Perea
Absent : None

MOTION #12 - APPROPRIATE \$250,000 FOR A PILOT PROGRAM TO ADDRESS TRAIN HORNS

Briefly reviewed by Councilmember Calhoun who stated although this will not solve the problem of train horns (**11 - 0**) he wanted to force the issue and use technology to help residents have a better quality of life.

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, Motion #12 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Sterling, Xiong, Perea
Noes : Duncan, Westerlund
Absent : None

149-249

6/19/07

MOTION #14 - MAINTAIN THE REGIONAL JOBS INITIATIVE (RJI) AT THE SAME LEVEL OF FUNDING AS LAST YEAR OF \$125,000

Reviewed by Councilmember Duncan who stated the RJI was beginning to wander into areas other than jobs and explained and stated the City's contribution was adequate and if the RJI wished to add staff for additional planning they could hopefully find another source. Councilmember Calhoun stated although he seconded the motion he would not support it as the budget very poorly explained what

this was about, and noted Council was provided with more detailed information on what the RJI would use the money for. City Manager Souza acknowledged there were specific details that were not included in the budget and explained, and apologized stating that information should have been included. President Perea stated he did not receive any clarification and encouraged a “yes” vote and added the RJI should do what they want to do within their existing budget.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Motion #14 hereby approved, by the following vote:

Ayes	:	Dages, Duncan, Xiong, Perea
Noes	:	Calhoun, Sterling, Westerlund
Absent	:	None

MOTION #15 - MOVE FUNDING FOR THE INDEPENDENT POLICE AUDITOR (IPA) FROM THE CITY MANAGER OFFICE TO THE CITY COUNCIL OFFICE (FAILED)

City Attorney Sanchez clarified if this motion is approved it would require a Charter amendment. Councilmember Sterling stated everyone knew her position on the IPA and this was what she wanted to do, urged Council’s support, and stated she was not opposed to this going to the people and if this passed whatever needed to be done would be done. Councilmember Calhoun spoke in opposition stating the last thing he wanted was to ask voters if they want an IPA who will report to a political body and explained. Mr. Sanchez and an unidentified audience member responded briefly to questions of Acting President Xiong on the process San Jose went through for their IPA.

A motion of Councilmember Sterling, seconded by Acting President Xiong, to approve Motion #15 failed, by the following vote:

Ayes	:	Sterling, Xiong
Noes	:	Calhoun, Dages, Duncan, Westerlund, Perea
Absent	:	None

MOTION #16 - ELIMINATE THE INDEPENDENT POLICE AUDITOR (IPA) POSITION FROM THE PAR AND SALARY RESOLUTION

Acting President Xiong spoke in support of an IPA stating this would be an opportunity to do something proactive and elaborated.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Motion #16 hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Perea
Noes	:	Sterling, Xiong
Absent	:	None

RECESS - 6:34 P.M. - 6:59 P.M.

MOTION #17 - PLACE \$100,000 ALLOCATED FOR THE SOCIAL COMPACT PROJECT INTO CONTINGENCY UNTIL THE PARTNERSHIP RAISES 50% OF THE COST FROM OTHER PARTNERS (PUBLIC/PRIVATE), AND THE PARTNERSHIP SUBMITS A PLAN FOR THE ASSET MAP AND TANGIBLE NEXT STEPS FOR THE SOCIAL COMPACT STUDY

Clarification was made by City Manager Souza on matching funds for the two projects.

On motion of Acting President Xiong, seconded by Councilmember Duncan, duly carried, RESOLVED, Motion #17 hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
Noes	:	Sterling
Absent	:	None

MOTION #18 - FUND THE UPDATING OF AERIAL PHOTOS IN FY 2008 UP TO \$80,000

Briefly reviewed by Councilmember Westerlund who requested Council's support stating the staff was operating on outdated aerial photos. Councilmember Calhoun expressed his support and Assistant City Manager Rudd responded to questions on how often the photos are updated.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #18 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Sterling, Westerlund, Xiong, Perea
Noes : Duncan
Absent : None

MOTION #19 - UN-DESIGNATE \$3.5 MILLION OF CDBG SECTION 108 FUNDING ALLOCATED FOR THE SPORTS TOWN PROJECT/DOWNTOWN CAPITAL INVESTMENT (FAILED)

Briefly reviewed by Councilmember Duncan who stated this would be borrowed CDBG funds for private development and added there seemed to be support to allocate these funds to the new police/fire headquarters building.

City Manager Souza clarified staff still supported spending the funds on Sports Town and explained and requested Council's support. Councilmembers Sterling, Xiong, Calhoun, Westerlund and Dages commented and/or presented questions relative to what these funds would be used for, if any funds had been identified for the headquarters building, if any of these funds would go towards Kern Street improvements, support for the project and staff's recommendation, what was learned on the Virginia Hotel transaction, and concern with "credit-carding" the future/housing needed first to revitalize downtown/it being a mistake to go further into Sports Town. Councilmember Duncan clarified he made the motion because of the source of funds, emphasized CDBG was not an appropriate funding source, and stated staff could pursue the project with other funding sources.

A motion of Councilmember Duncan, seconded by Councilmember Sterling, to approve Motion #19 failed, by the following vote:

Ayes : Dages, Duncan
Noes : Calhoun, Sterling, Westerlund, Xiong, Perea
Absent : None

CLARIFIED MOTION #20 - PLACE THE FOLLOWING HOMELESS FUNDS -- \$2 MILLION LAND ACQUISITION CDBG SECTION 108 AND \$1 MILLION LAND ACQUISITION HOME FUNDS -- INTO CONTINGENCY UNTIL THE CITY AND COUNTY COMPLETE A JOINT MEETING AND A COMMUNITY HOMELESS STRATEGY IS COMPLETED

Briefly reviewed by Councilmember Duncan. City Manager Souza responded to questions/comments of Councilmembers Dages and Westerlund relative to whether these funds were still going to be borrowed and what will happen if Fresno County never meets with the city. Councilmembers Calhoun and Sterling spoke in support of the motion, and President Perea stated he was hopeful a joint meeting would take place soon but he did not want to hold the funds up.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #20 hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Xiong
Noes : Dages, Westerlund, Perea
Absent : None

149-251

6/19/07

MOTION #21 - REDIRECT \$200,000 FROM THE SOLAR REBATE PROGRAM TO ENERGY IMPROVEMENT PROGRAM FOR SENIORS (FAILED)

Briefly reviewed by Councilmember Duncan who advised his concern was the \$200,000 would go to subsidize affluent people who can afford solar anyway and added a better use of these funds would be to help seniors make their homes more energy efficient in light of utility increases. Councilmember Calhoun stated he would rather see the solar program played out and explained **(12 - 0)**,

Councilmember Westerlund spoke to the State's rebate program and stated he would prefer to wait on this motion until the State program is up and functioning, and President Perea spoke to the solar program and funding and asked Council to secure this funding and explained.

A motion of Councilmember Duncan, seconded by Councilmember Dages, to approve Motion #21 failed, by the following vote:

Ayes : Dages, Duncan
Noes : Calhoun, Sterling, Westerlund, Xiong, Perea
Absent : None

MOTION #22 - REDIRECT \$100,000 OF GENERAL FUND SPORTS TOWN ALLOCATION TO STORYLAND/PLAYLAND TO BE USED AS A MATCH FOR LIKE AMOUNT (FAILED)

Councilmember Dages stated this worked well last year and requested support. Councilmember Calhoun stated he would stay consistent with General Fund Sports Town funds and added although everyone was supportive of Storyland/Playland and they were doing well it was time to cut the umbilical cord and explained. Councilmember Westerlund stated he would also stay consistent and not double-allocate dollars and would not support this motion or the next two.

A motion of Councilmember Dages, seconded by Councilmember Duncan, to approve Motion #22 failed, by the following vote:

Ayes : Dages, Duncan, Sterling
Noes : Calhoun, Westerlund, Xiong, Perea
Absent : None

MOTION #23 - REDIRECT \$182,000 OF GENERAL FUND SPORTS TOWN ALLOCATION TO THE CITY ATTORNEY'S OFFICE (WITHDRAWN)

Councilmember Calhoun stated this was an inappropriate funding source and explained, and upon question of Councilmember Sterling City Attorney Sanchez stated with approval of Motion #1 his office now had resources to take care of things they recommended, whereupon Councilmember Dages withdrew the motion.

MOTION #24 - REDIRECT \$100,000 OF GENERAL FUND (SPORTS TOWN) ALLOCATION TO PARKS & RECREATION DEPARTMENT TO PURCHASE EQUIPMENT FOR A SOUTHEAST PARK (AT GROVE AND LIND AVENUES NEAR PEACH), as amended, to allocate the funds from another funding source

Councilmember Dages stated he wanted to direct staff to allocate the money from another source and not out of Sports Town, and spoke to the motion/issue stating this was all he was asking for this year. City Manager Souza and Assistant City Manager Ruiz responded to questions of Councilmembers Calhoun, Westerlund and President Perea relative to whether Council and staff were aware of this park and its' needs, if no other funds had been identified for the equipment, reason for the cost going up \$75,000 in one year, what the park would get for the amount, and request to see more information and clarity in these types of requests in the future.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, Motion #24 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : Westerlund
Absent : None

MOTION #25 - REDIRECT \$18,000 OF (GENERAL FUND SPORTS TOWN) ALLOCATION TO THE PARKS & RECREATION DEPARTMENT FOR FITNESS BOOT CAMP PROGRAM AT COMMUNITY CENTERS, as amended, directing staff to identify an alternate funding source

Reviewed by Councilmember Dages who directed staff to return with an alternate funding source, and spoke to the boot camp program run at community centers. Discussion ensued with City Manager Souza and Councilmember Dages responding to questions and/or comments of Councilmember Calhoun, President Perea and Councilmember Sterling relative to lack of information/details on the program, concern with any program labeled "boot camp", lack of a staff recommendation/evaluation, if \$18,000 was sufficient for each community center to have this program, if an analysis had been done on what the City would get for \$18,000, if this was an existing program/an expansion of the program/if this has been in the P&R budget in the past, if staff could provide detail on this program before it is

implemented, and suggestion to integrate this into the fitness mobile program. Councilmember Westerlund stated he could not support this due to the city manager not knowing about it and the P&R department not bringing this forth, with Councilmember Calhoun concurring and further expressing his concern. Brief discussion ensued.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #25 hereby approved, by the following vote:

Ayes : Dages, Duncan, Sterling, Perea
Noes : Calhoun, Westerlund, Xiong
Absent : None

MOTION #26 - INCREASE CDBG'S ALLOCATION FOR THE CENTRAL CALIFORNIA LEGAL SERVICES' EITC PROGRAM FROM \$25,000 TO \$50,000

Reviewed by Councilmember Calhoun who spoke to Council's support for this program in the past and to how this program helps the working poor. Councilmember Dages noted these were CDBG dollars and stated something would be de-funded if this is approved. Acting President Xiong spoke in support stating the program has proven to be effective, it addresses poverty, and the return on the investment was huge and this was a no-brainer, with President Perea concurring and speaking to the program.

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, Motion #26 hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Xiong, Perea
Noes : Dages, Westerlund
Absent : None

NEW MOTION #27 - REALLOCATE \$500,000 IN BANK SIDE TRAIL PROJECT DECORATING FUNDS TO FENCE OFF CANALS THAT ARE PATHWAYS TO SCHOOLS, and place the funds into contingency

Councilmember Duncan spoke to the recent drowning tragedy, to the history of the Bankside Trail Project, to the lack of cooperation of the Fresno Irrigation District (FID), and to the \$500,000 sitting in an account that can not be used, and stated this was an opportunity to do something and target canals near schools to help prevent drownings and requested support.

City Manager Souza, City Attorney Sanchez and Councilmember Duncan responded to questions/comments of President Perea relative to whether staff has talked with the FID, liability issues, type of fencing envisioned, and need to do this right. Councilmember Calhoun stated this was all on the City and too one-sided and suggested the funds be placed in contingency until a plan is in place and that the FID be asked to enter into an agreement, with Councilmember Duncan stating there will have to be partnership and he had no problem placing the funds into contingency. Councilmember Westerlund stated he was not interested in going down the liability road and he was also not ready say goodbye to the Bankside Trail project.

On motion of Councilmember Duncan, seconded by Councilmember Councilmember Dages, duly carried, RESOLVED, Motion #27 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : Westerlund
Absent : None

NEW MOTION #28 - FUND A GANG SUPPRESSION/INTELLIGENCE UNIT THE AMOUNT OF \$350,000 TO FOCUS ON SOUTHWEST AND SOUTHEAST AREAS, as amended to City-wide

Councilmember Sterling clarified her intention was to focus on specific areas and not specific ethnic groups/racial profiling. Councilmember Calhoun stated a lot of resources were being put into the department for gangs, Chief Dyer already had a plan, this was like heaping additional coals on the fire, and he did not want Council micro-managing (**13 - 0**), and upon his request Chief Dyer spoke to the department's efforts with the Bulldog gang and to how Councilmember Sterling wanted those efforts furthered to the southern districts. Councilmember Calhoun stated he felt the department had a full plate and this should be considered for next year. Chief Dyer

and City Manager Souza responded to questions of Councilmember Westerlund relative to amount currently budgeted for gang suppression, resources allocated to address gangs, concern with the motion targeting certain areas when gang issues are everywhere, clarification made on how the motion was titled in an-email and concern with how this motion will affect other services. Councilmember Sterling offered to meet with the department and city manager to redirect funds and spoke to requests she receives, the needs of her district, and her desire to address other gangs. Upon question of President Perea, Councilmember Sterling agreed to make her motion city-wide and Chief Dyer spoke to how this would work. Mr. Souza stated staff would return with a funding source as that was their obligation, with Councilmember Sterling requesting her office be kept informed.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #28 hereby approved, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Perea
Noes	:	Calhoun, Westerlund, Xiong
Absent	:	None

NEW MOTION #29 - FUND \$50,000 FOR PRO-ACTIVE COMMUNITY POLICING ACTIVITIES OF UNIFORMED STAFF INCLUDING BUT NOT LIMITED TO SUPPORT BLOCK PARTIES AND NEIGHBORHOOD WATCH ACTIVITIES, ESPECIALLY IN THE SOUTHWEST, SOUTHEAST AND CENTRAL POLICING DISTRICTS (FAILED)

Reviewed by Councilmember Sterling who advised the Weed and Seed application was rejected and requested Council's support to help the department continue to participate in neighborhood activities. Councilmember Calhoun stated Council can not be providing all the money to protective services and expressed concern with this process and wish lists being rolled out at the 11th hour stating it was unfair and staff was being put in a position of re-prioritizing.

A motion of Councilmember Sterling, seconded by Councilmember Duncan, to approve Motion #29 failed, by the following vote:

Ayes	:	Dages, Sterling, Perea
Noes	:	Calhoun, Duncan, Westerlund, Xiong
Absent	:	None

NEW MOTION #30 - ADD \$50,000 TO THE MAYOR'S JOB INITIATIVE (FAILED)

A motion of Councilmember Sterling, seconded by Acting President Xiong, to approve Motion #30 failed, by the following vote:

Ayes	:	Sterling, Xiong, Perea
Noes	:	Calhoun, Dages, Duncan, Westerlund
Absent	:	None

NEW MOTION #31 - PROVIDE \$500,000 WITHIN THE PUBLIC WORKS DEPARTMENT BUDGET TO PROVIDE INFRASTRUCTURE IMPROVEMENTS FOR RE-PAVING/SLURRY SEAL IN INDUSTRIAL AREAS SOUTH OF FREEWAY 41, EAST OF 99, SOUTH OF CHURCH (SECOND WITHDRAWN/MOTION DIED)

Briefly reviewed by Councilmember Sterling. Councilmember Duncan stated he originally seconded the motion with the anticipation that CDBG funds would be available but they were not, and withdrew his second, whereupon the motion died for lack of a second.

NEW MOTION #32 - DIRECT STAFF TO IDENTIFY \$1.085 MILLION IN UNUSED PARK IMPACT FEES TO BEGIN THE NEXT APPROPRIATE PHASE OF EATON PLAZA TO BE COMPLETED IN FY 2008, AND RETURN TO COUNCIL WITH A MULTI-YEAR CAPITAL PROJECT TO COMPLETE ALL PHASES OF THE 2002 EATON PLAZA MASTER PLAN ADOPTED BY COUNCIL

Councilmember Calhoun displayed renderings of Eaton Plaza when fully built out and spoke further to the issue and requested support. Upon question of Councilmember Westerlund it was confirmed the project is on the capital list for which the park impact fees were adopted.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #32 hereby

approved, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : Dages
Absent : None

NEW MOTION #33 - ALLOCATE \$50,000 TO COMPLETE THE TOWER DISTRICT TREE REMOVAL

Briefly reviewed by Acting President Xiong who advised the project started before he came on board and this was the amount needed to complete the project. Upon question of Councilmember Sterling, City Manager Souza advised \$50,000 was allocated in FY 2007 and \$50,000 was needed to complete the project. President Perea recommended Acting President Xiong work with the city manager and the P&R department to invest more funds for Olive Avenue infrastructure improvements.

On motion of Acting President Xiong, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #33 hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Xiong, Perea
Noes : Dages, Westerlund
Absent : None

NEW MOTION #34 - ALLOCATE \$200,000 TO THE POLICE DEPARTMENT FOR THE INSTALLATION OF VIDEO CAMERAS IN PATROL VEHICLES THIS YEAR, as amended, to commit the first \$200,000 in grant funds for the installation

Briefly reviewed by Acting President Xiong who spoke to the total cost for the program and advised these funds would initiate the implementation phase. Upon question of Councilmember Sterling, Chief Dyer advised funding had been identified for video cameras and the money was diverted to the much needed wireless communication system implementation, and added the plan was to use grant funds coming in October for the installation. Upon the request of City Manager Souza Acting President Xiong accepted the amendment to commit to utilizing the first \$200,000 in grant funds. Brief discussion ensued.

On motion of Acting President Xiong, seconded by Councilmember Calhoun, duly carried, Motion #34 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
Noes : Sterling
Absent : None

NEW MOTION #35 - PLACE FUNDING FOR THE ADDITIONAL SHEPHERDING POSITION IN THE ECONOMIC DEVELOPMENT DEPARTMENT IN CONTINGENCY UNTIL A REPORT ON THE EFFECTIVENESS OF THE PROGRAM ("RESULTS") IS PRESENTED TO COUNCIL (FAILED)

Briefly reviewed by Acting President Xiong who stated he received information but the detail he was looking for was not provided and explained. Councilmember Sterling stated her opposition to placing any funds in contingency.

A motion of Acting President Xiong, seconded by Councilmember Calhoun, to approve Motion #35 failed, by the following vote:

Ayes : Calhoun, Xiong
Noes : Dages, Duncan, Sterling, Westerlund, Perea
Absent : None

NEW MOTION #36 (REVISED FROM MOTION #22) - DIRECT STAFF TO IDENTIFY FUNDING SOURCE TO ALLOCATE \$100,000 FOR STORYLAND/PLAYLAND TO BE USED AS A MATCH FUNDS FOR LIKE AMOUNT

The motion was made by Councilmember Dages and upon question of Councilmember Calhoun it was clarified the prior motion was tied to a specific funding source and this one was not and this was a new motion that Council could consider. Councilmember Calhoun

reiterated Storyland/Playland needed to stand on its own, and City Manager Souza added at last year's budget there was discussion that last year would be the last time this would come forward

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, Motion #36 hereby approved, by the following vote:

Ayes : Dages, Duncan, Sterling, Perea
Noes : Calhoun, Westerlund, Xiong
Absent : None

Mr. Souza advised staff would go back and compile the impact of these motions onto the AAR and all budget documents would be presented on Thursday.

(2:00 P.M. #1) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: COF V. BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY, ET AL.

Laid over one week.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 9:01 p.m. having arrived and hearing no objections, President Perea adjourned the meeting to Thursday, June 21, 2007, at 2:00 p.m. for adoption of the FY 2008 Budget.

Approved on the ____26th____ day of ____June____, 2007.

____/s/ Blong Xiong____ ATTEST: ____/s/____
Henry T. Perea, Council President Yolanda Salazar, Assistant City Clerk